

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Criminal No. 05-10220-NMG

UNITED STATES OF AMERICA

v.

JAMES D. GOODWYN

REPORT AND RECOMMENDATION RE:
MOTION PURSUANT TO 28 U.S.C. § 2255 TO VACATE,
SET ASIDE, OR CORRECT SENTENCE
(DOCKET ENTRY # 55)

June 1, 2012

BOWLER, U.S.M.J.

The court referred the above motion filed by defendant James D. Goodwyn ("the defendant") under 28 U.S.C. § 2255 ("section 2255") to this court for an evidentiary hearing and a report and recommendation on ground one. Ground one sets out an ineffective assistance of counsel claim on the basis that the defendant "requested counsel to file a direct appeal" and "counsel did not file an appeal." (Docket Entry ## 55-57).

On November 3, 2011, this court held an evidentiary hearing. On November 30, 2011, the United States of America ("the government") filed a brief and the defendant filed a brief the following day. The matter is therefore ripe for review.

PROCEDURAL BACKGROUND

*Report and Recommendation accepted and
adopted. JMG/Gorton, USDS 10/17/12*